

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES COPLEY,

Plaintiff

v.

Civil Action No. 2:07-cv-0451

JOHN WILSON, Vice President,
Putnam County Bank, and
UNITED STATES OF AMERICA,

Defendants

MEMORANDUM OPINION AND ORDER

This action, removed by the United States from state court, was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 6, 2008. The magistrate judge recommends that the court grant the motion to dismiss filed by the United States of America on January 30, 2008, and dismiss plaintiff's claim against the United States on the grounds that this court lacks subject matter jurisdiction over the claim under the doctrines of sovereign immunity and derivative jurisdiction. The magistrate judge further recommends

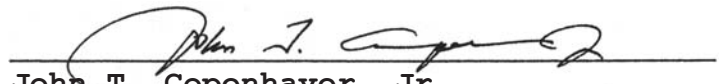
that the court remand plaintiff's claim against John Wilson to the Magistrate Court of Putnam County, presumably for lack of subject matter jurisdiction over what appears to be a \$400 claim as to which both the plaintiff and defendant Wilson are West Virginia residents. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and they hereby are, adopted by the court;
2. The motion to dismiss of the United States of America be, and it hereby is, granted;
3. The plaintiff's claim against the United States of America be, and it hereby is, dismissed with prejudice; and
4. The plaintiff's claim against John Wilson be, and it hereby is, remanded to the Magistrate Court of Putnam County.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: September 22, 2008


John T. Copenhaver, Jr.
United States District Judge